

Amendments To The Drawings:

As required by the Examiner in the objection to the drawings, please remove Figure 1 from the application. The specification has been correspondingly amended.

Remarks

This Amendment is in response to the Office Action dated **January 17, 2007**. In the Office Action, the Examiner objected to the drawing. Claims 1-3, 5, and 9-13 were rejected as anticipated by Dragan (US 5,676,543). Claims 1-3, 5, 9, 10, 12, and 13 were rejected as anticipated by Amstutz et al. (US 4,559,013). Claim 14 was rejected as anticipated by Drake (US 4,538,920). Claims 6-8 and 14 were rejected under 35 USC 103(a) as being unpatentable over Dragan (US 5,676,543). Claims 6-8, 11, and 14 were rejected under 35 USC 103(a) as being unpatentable over Amstutz et al. (US 4,559,013). Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Drake (US 4,538,920) in view of Konings et al. (US 5,371,162).

In response to the office action, Figure 1 was deleted and corresponding amendments made to the specification. Claims 1 and 10 were amended and new claims 15-16 were added.

Objection To The Drawings

Applicant has deleted Figure 1 and amended the specification to correspond.

Anticipation Rejections

Claims 1-3, 5, and 9-13 were rejected as anticipated by Dragan (US 5,676,543). Claims 1-3, 5, 9, 10, 12, and 13 were rejected as anticipated by Amstutz et al. (US 4,559,013). Claim 14 was rejected as anticipated by Drake (US 4,538,920).

In response, claims 1 and 10 have been amended and claim 14 has been cancelled. Also new claims 15-16 have been added.

The Dragan Reference

Dragan (US 5 676 543) discloses silicone material 10 that is applied to and covers a patient's teeth and which cross-links in a self curing manner (Figures 1 and 2). Thereafter, the

cast is removed from the teeth (Figures 3 and 4) and filled with a settable syringeable material 18 comprising an astringent (Figure 4). Then the cast 10, filled with the settable syringeable material 18 is positioned again onto teeth and the patient bites on the cast to exert a slight pressure on the mold material 10 (Figure 6). Hereby, the flowable material 18 is forced between the teeth 12, 12' and gum 14. The mold material 10, acting like a dam, causes the flowable material 18 to exert pressure along the gingival line forming sulcus, groove or trough. The pressure, along with the astringent in flowable material 18, creates both homeostasis and refraction on the gum tissue 14 (page 10, lines 4 to 11).

The Dragan 102 Rejection

Dragan discloses a case for tooth material and for surrounding gum to be treated, but not an isolation for tooth material to be treated to protect surrounding gum from dental treatment means. Contrary to the protection of surrounding gum from dental treatment mean, Dragan teaches to apply an astringent to the surrounding gum of the tooth material. So, Dragan does not disclose an isolation of tooth material to be treated with dental treatment means to protect surrounding gum from the dental treatment means.

Moreover, Dragan does not teach adherence of the mold material, respectively cast 10 or the settable syringeable material 18, to the gum. The patient exerts a slight pressure on the mold cast 10 so that the flowable material 18 forced against the gum. The mold material 10, acting like a dam, directs the flowable material against the gingiva. Dragan does not disclose any adherence between mold material 10 and/or flowable material 18 and the gum. The cast 10 and the flowable material 18 are hindered not by adherence but by the patient biting on the cast 18 from falling out of the patient's mouth.

Therefore, claims 1-3, 5, and 9-13, as now amended, distinguish over Dragan and

are believed to be in condition for allowance.

The Amstutz Reference

Amstutz et al (US 4559013) discloses orthodontic shields, orthotic devices and musician embouchure aids using a medical silicone composition. The composition is prepared in a strip which is larger than the brace area and is displaced into the mouth 11 over the teeth 3 and braces 2 and between the inside of the lip 5 and the teeth 3 and braces 2, as is shown in Figure2. By rubbing with the finger on the outside of the upper lip area 6, the composition can be spread over the teeth 3 to completely cover the brace area 2, and to assure smooth fit the gum 7 and inside lip 5 tissues (column 5, lines 20 to 27).

The shield 8 has indentations 9 which are formed exactly to the users teeth 3, braces 2, lips 5 and gums 7 (column 5, lines 32 to 36). The indentations 9 in the shield 8 from the braces 2 and teeth 3 fit again the brace 2 and 3, holding the shield 8 in place (column 5, lines 40 to 42).

The Amstutz 102 Rejection

So the shield 8 as disclosed by Amstutz is clearly fixed by a positive fit to the users teeth and braces. There is no explicit or implicit disclosure of an adherence of the material to gingiva in Amstutz. The Amstutz shield covers teeth and braces mounted thereon. It does not cover surrounding gum to protect it from aggressive dental treatment means applied to isolated tooth material.

Therefore, claims 1-3, 5, 9, 10, 12, and 13, as now amended, distinguish over Amstutz and are believed to be in condition for allowance.

The Obviousness Rejections

Claims 6-8 and 14 are not believed to be rendered obvious over Dragan or

Amstutz, as amended, because these claims require elements which are not present in Dragan or Amstutz, as discussed above. Similarly, claim 11 is not rendered obvious by Amstutz because, as amended, it requires elements not present in Amstutz.

Claims 1-3, 5-13 and new claims 15-16, as presently amended, distinguish over Dagan and Amstutz, either alone or in combination. Therefore these claims are now in condition for allowance. In light of the above, claims 1-3, 5-13 and 15-16 are believed to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: July 16, 2007

By: _____ /Richard A. Arrett/

Richard A. Arrett
Registration No.: 33153

6640 Shady Oak Dr., Suite 400
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\raa\11733us01-amd-20070716.doc